

## **DISCUSSION DRAFT**

### **CHAPTER 5**

#### **Enforcement of Solid Waste Standards and Administration of Solid Waste Facilities Permits; Loan Guarantees**

##### **Article 1. Definitions and General Provisions**

###### **18011. Definitions.**

(19) "Regional LEA" means an enforcement agency certified by the Board pursuant to Article 2.1 of this Chapter, with permitting, inspection and enforcement duties within multiple counties.

(20) "Violation" means violation of an enactment.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

##### **Article 2.3. LEA Grants**

###### **18090.0. Scope.**

This article sets forth the LEA grant application, award, agreement, and payment process.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

###### **18090.1. Grant Eligibility.**

Grants shall be awarded only to LEAs and regional LEAs which are certified pursuant to Article 2.1 of this Chapter.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

###### **18090.2. Grant Application Period.**

Applications for LEA grants will be accepted from March 1 of each year until 4:00 p.m. May 31 of the same calendar year.  
Applications received after May 31 will be returned to the applicant without being considered.

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Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

### **18090.3. Grant Amount.**

(a) As specified in Section 43230 of the Public Resources Code, grants will be available to local enforcement agencies to carry out the solid waste facilities permit and inspection program. The total amount of grants made by the board pursuant to this article shall not exceed, in any one fiscal year, one million five hundred thousand dollars (\$1,500,000).

(b) Each LEA shall receive a base grant (BG) of \$15,000, plus an additional amount based on the population of the jurisdictions served by the LEA and the number of currently permitted solid waste facilities located within those jurisdictions.

(c) Each Regional LEA shall receive a base grant amount of \$15,000 multiplied by the number of counties for which the LEA is responsible, plus an additional amount based on the population of the jurisdictions served by the Regional LEA and the number of permitted solid waste facilities located within those jurisdictions.

(d) All population statistics will be obtained through the most current annually revised Department of Finance Report on Population Estimates for California Cities and Counties, which is incorporated hereby by reference.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

### **18090.4. Use of LEA Grant Funds.**

(a) LEA grant funds shall be used exclusively for the purposes of carrying out the solid waste facilities permit and inspection programs. Any unauthorized use of LEA grant funds may result in the termination of the agreement, repayment of funds and return of all unused portions of the grant to the Board.

(b) Any unused portions of an LEA grant awarded pursuant to this article for a designated fiscal year shall be returned to the Board.

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(c) LEA grant funds which are returned to the Board pursuant to subsections 18090.4 (a) and (b), above, may be used by the Board to provide training and/or technical assistance to LEA staff statewide.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

### **18091.1. Contents of the Grant Application.**

(a) An LEA or Regional LEA which is eligible for a grant award, pursuant to Section 18090.1 of this Chapter, shall submit a grant application to the Board. The grant application shall include, but not be limited to all of the following:

(1) An Application Cover Sheet, provided by the Board as CIWMB Form XXX (XX/97), which is incorporated herein by reference.

(2) A Grant Program Report, which shall include:

(A) An explanation of the program's goals or objectives;

(B) A statement of how the grant award will be used to implement the program.

(3) A Budget Report listing all proposed expenditures. This shall include, but is not limited to, the cost of staffing, third party contracts, and any purchases of equipment or materials.

(4) An approved resolution from each applicant's governing body authorizing submittal of the application and identifying the individual authorized to execute any agreements and contracts to carry out the program.

Note: Authority cited: Section 48641, Public Resources Code.  
Reference: Sections 48613, 48690 and 48691, Public Resources Code.

### **18092.0. Review of Grant Application.**

(a) Board staff shall review each grant application to verify that it is complete and satisfies the criteria contained within Section 18091.1 of this Chapter.

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(b) Board staff may request additional information related to the grant application required pursuant to Section 18091.1 of this Chapter if the application is incomplete. The applicant will have 10 (ten) working days, or an additional time period specified by Board staff to submit the requested information.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

### **18093.0. Terms and Conditions of a Grant Agreement.**

(a) The grant recipient and the Board shall enter into a written grant agreement which defines the grant term, contains a description of the program, as approved, and which identifies and ensures compliance with the terms and conditions specified in this Section.

(b) The grant recipient shall obtain prior written approval from the Board, or its designated representative, for any changes to the grant agreement. All requests shall include a description of the proposed change(s) and the reason(s) for the change(s).

(c) The grant recipient shall submit an annual report to the Board, for the term of the grant agreement, on or before October 1 following completion of the grant cycle. The report shall include any amendments to the grant program; a description of the implementation of the program and the extent to which the program was successful in carrying out the the solid waste facilities permit and inspection program.

(d) Grant recipients shall comply with all applicable federal, state and local laws, ordinances, regulations and permits.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

### **18093.1. Payment of Grant Funds.**

Grant recipients will be awarded grant funds beginning in July of each grant year subject to the availability of the funds from the account.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.

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### **18094.0. Auditing.**

(a) The Board, the State Controller's Office, and the Bureau of State Audits, or their designated representatives, shall have an absolute right of access to all of the grant recipient's records pertaining to a California LEA Grant.

(b) All local agencies receiving block grants from the Fund shall maintain an accounting system which utilizes generally accepted accounting principles and practices. In addition to accounting records, all source documents associated with the accounting records shall be maintained. Source documents include, but are not limited to, bid summaries, contracts with the grant recipient, change orders showing approval by a city or county engineer, purchase orders, invoices, paid warrants, time sheets, labor distribution reports and payroll registers.

(c) The accounting records and pertinent documents shall be retained by the grant recipient for at least three (3) years after expiration of the grant agreement, or until the completion of a Board action and/or resolution of issues which may arise as a result of any litigation, claim negotiation or audit.

(d) If an audit reveals that grant funds have been distributed for a program which has either not met the criteria of Section 18090.4 of this Chapter, and/or has not spent grant funds in accordance with the grant agreement, the grant recipient shall repay the money received, plus interest, at the rate the State would have earned on this money had it remained in the Fund. Such forfeitures shall revert to the Fund.

(e) The Board may terminate any grant in whole, or in part, at any time before the date of completion, whenever it is determined by the Board that the recipient has failed to comply with the terms or conditions of the grant agreement. The Board shall notify the recipient within five (5) working days, in writing, of the determination, the reasons for termination of the grant, and the effective date of termination.

Note: Authority cited: Section 43231, Public Resources Code.  
Reference: Sections 43230 and 43232, Public Resources Code.